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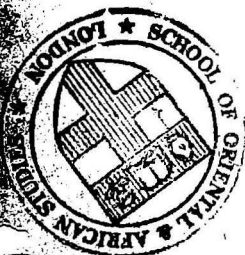
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# INDEX TO THE

## CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES



VOLUME XI, 1952

(20th March to 19th April, 1952)

### ELEVENTH SESSION of the CONSTITUENT ASSEMBLY OF PAKISTAN 1952

Printed by the Superintendent, Government Printing and Stationery,  
Sind, Karachi

Published by the Manager of Publications, Karachi

1953

Price: Annas 5 or 8d or 10 Cents.

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# **CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES**

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**Official Report**

**VOLUME XI, 1952**

**[20th March to 19th April, 1952]**

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**ELEVENTH SESSION**

**of the**

**CONSTITUENT ASSEMBLY OF PAKISTAN**

**1952**

## CORRIGENDA

In the Constituent Assembly of Pakistan Debates, Volume XI of March-April Session, 1952—

1. No. 1, dated Thursday, the 20th March, 1952—
  - (i) Page 5, transpose lines 25 and 26.
  - (ii) Page 6, line 3 from top, *for 'all' read 'call'.*
2. No. 3, dated Thursday, the 10th April, 1952—
  - (i) Page 38, line 2 from top, *insert 'not' between the words 'has' and 'given'.*
  - (ii) Page 39, line 25 from bottom, *for 'tropidation' read 'trepidation'.*
3. No. 5, dated Wednesday, the 16th April, 1952—

Page 105, line 17 from bottom, *for 'unwidely' read 'unwieldy'.*
4. No. 6, dated Thursday, the 17th April, 1952—
  - (i) Page 127, *read the top heading after the first para. and the date line after the heading "Constituent Assembly of Pakistan."*
  - (ii) Page 130, *add the following as last line of the page: "assume that the orthodox—and I must emphasise that—we are dealing".*
  - (iii) Page 135, first line, *for 'rigorous' read 'rigours'.*
  - (iv) Page 154, line 28 from top, *for 'countries' read 'centuries'.*
5. No. 7, dated Friday, the 18th April, 1952—
  - (i) Page 159, *for 16th line from top, read the following:—*  
*"tituent Assembly during the framing of the Constitution. At present that".*
  - (ii) Page 172, line 4 from bottom, *for 'deudey' read 'duzday'.*
6. No. 8, dated Saturday, the 19th April, 1952—

Page 215, line 20 from bottom, *for 'status puo' read 'status quo'.*

# CONSTITUENT ASSEMBLY OF PAKISTAN

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## *President*

The Honourable Mr. Tamizuddin Khan.

## *Panel of Chairmen*

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Maulana Muhammad Akrum Khan.

The Hon'ble Mr. Abdul Hamid.

Shri Sris Chandra Chattopadhyaya.

## *Secretary*

Mr. M. B. Ahmad, M.A. (ALIG.), M. LITT. (CANTAB), C.S.P.

## *Joint Secretary*

Mr. K. Ali Afzal, BARRISTER-AT-LAW.

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Mr. Hasan Muhammad Khan, B.A. (HONS.).

Fr. Hasan A. Shaikh, B.A. (HONS.) LL.B.

## *Assistant Secretary*

Mr. Mohammad Zakir, B.A.

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During his speech on Mr. Prem Hari Barma's motion for circulation of the Government of India (Third Amendment) Bill, Shri Sris Chandra Chattopadhyaya said, ".....Therefore I want elections in East Bengal as early as possible and I expected that Mr. Nurul Amin would help in the passing of some Act helping election speedily there. We had expected that such Bill would come in November last. I think, Mr. President, you also knew about this in the Steering Committee. It did not come because Mr. Nurul Amin was not here. Even at the beginning of this Session we expected a Bill but as Mr. Nurul Amin was not here, the Bill could not be....." The Hon'ble Mr. Nurul Amin rose on a ——— and enquired whether the Leader of the Opposition is entitled to refer to certain conversations which took place in a meeting of the Committee. He, therefore, demanded "the source of the information". Mr. President ruled that Mr. Chattopadhyaya is not bound to disclose the source of his information even though it may be absolutely wrong. The Hon'ble Member can, however, contradict it by way of personal explanation. 157—158

Shri Kamini Kumar Dutta and Shri Dharendra Nath Dutta had given notice of moving almost similar amendments to clause 2

of the Government of India (Third Amendment) Bill. These amendments were worded differently but sought to be based on the same principle—Joint electorates. The Hon'ble Pirzada Abdus Sattar Abdur Rahman submitted that this principle has just now been rejected by the House during the stage of the consideration of the Bill. Accordingly he regarded it as inadvisable that the amendments to clause 2 be moved. The Hon'ble Dr. Mahmud Husain rose on a ——— and wanted a ruling on the point: "whether an amendment can be moved which is the negation of the principle that has been accepted . . ." Mr. President accepted the force of the objection but since that was not the question discussed at the time, he said: ". . . in fairness I shall allow the amendment to be moved." 195—197.

Shri Dharendra Nath Dutta, however, took advantage of the indulgence of the Chair and while moving the amendment to clause 2 of the Bill started discussing the question of Joint Electorates—a subject discussed earlier. The Hon'ble Pirzada immediately drew the attention of the Chair who ruled: "..... I rule that he should not enter into the details already discussed." 200—203.

The Honourable Mr. Nurul Amin while opposing the motion for circulation of the Government of India (Third Amendment) Bill, said "..... if 'lie', is an unparliamentary language I would call it 'unfounded', 'far from the truth'. I am tempted to say that it is a 'lie'....." Thereupon Prof. Raj Kumar Chakraverty rose on a ——— and

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enquired whether the Honourable Member was entitled to say that it was 'lie'. The Honourable Mr. Nurul Amin repeated that he was tempted to call it a 'lie'. Mr. President, however, ruled: "Honourable Mr. Nurul Amin has not really uttered that word but virtually it comes to the same. I think that expression should not be included in the proceedings." 133—135.

The Hon'ble Sir Muhammad Zafrullah Khan was opposing the motion by Mr. Prem Hari Barma for circulating of the Government of India (Third Amendment) Bill. During the speech he quoted from the Old Hindu scriptures. Shri Kamini Kumar Dutta raised a ———calling the speech of Sir Muhammad Zafrullah Khan as irrelevant as these illustrations were intended to "put Hindus of 1952 in ridicule" or "the whole society into ridicule". Shri Dharendra Nath Dutta supported Mr. Kamini Kumar Dutta. Mr. President, therefore, asked the Hon'ble Sir Muhammad Zafrullah Khan to explain the relevancy of his speech. On hearing him, Mr. President said: "I do not think what Chaudhri Sahib was talking about was irrelevant....." He, however, requested him not to go further into details as he had already "narrated a large number of instances". 133—35.

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# **RULING(S) FROM THE CHAIR—** *contd.—*

Steering Committee. It did not come because Mr. Nurul Amin was not here. Even at the beginning of this Session we expected a Bill but as Mr. Nurul Amin was not here, the Bill could not be....." The Hon'ble Mr. Nurul Amin rose on a point of order and enquired whether the Leader of the Opposition is entitled to refer to certain conversations which took place in a meeting of the Committee. He therefore, demanded 'the source of the information'. Mr. President ruled that Mr. Chattopadhyaya is not bound to disclose the source of his information even though it may be absolutely wrong. The Hon'ble Member can, however, contradict it by way of personal explanation. 157—158.

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Shri Kamini Kumar Dutta and Shri Dharendra Nath Dutta had given notice of moving almost similar amendments to clause 2 of the Government of India (Third Amendment Bill.) These amendments were worded differently but sought to be based on the same principle—Joint Electorates. The Hon'ble Pirzada Abdus Sattar Abdur Rahman submitted that this principles has just now been rejected by the House during the stage of the consideration of the Bill. Accordingly he regarded it as inadvisable that the amendments to clause 2 be moved. The Hon'ble Dr. Mahmud Husain called it a 'point of order' and wanted a——on the point "whether an amendment can be moved which is the negation of the principle that has been accepted .....". Mr. President accepted the force of the objection but since that was not the question discussed at the time, he said: ".....in fairness I shall allow the amendment to be moved." 195—197.

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indulgence of the Chair and while moving the amendment to clause 2 of the Bill started discussing the question of Joint Electorates—a subject discussed earlier. The Hon'ble Pirzada immediately drew the attention of the Chair who ruled; ".....I rule that he should not enter into the details already discussed." 200—203.

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Election to the Finance Committee. 19.

Government of India (Amendment) Bill—

Consideration of Bill. 7—8.

**M**

**MAHMUD HUSAIN, THE HON'BLE DR.—**

Government of India (Amendment) Bill—

Motion for consideration.

Motion by Mr. Prem Hari Barma for circulation. 92, 117, 171.

Consideration clause by clause—

Clause 2—Discussion *re* moving of alike amendments. 195—97.

Amendment by Shri Dharendra Nath Dutta 202.

Motion to adopt Bill as amended. 218.

Motion *re*: Bengali being one of the State languages. 44.

Shri Kamini Kumar and Shri Dharendra Nath Dutta had given notice of moving almost similar amendments to clause 2 of the Government of India (Third Amendment) Bill. These amendments were worded differently but sought to be based on the same principle—Joint Electorates. The Hon'ble Pirzada

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**MAHMUD HUSAIN, THE HON'BLE DR.—Contd.—**

Abdus Sattar Abdur Rahman submitted that this principle has just now been rejected by the House during the stage of the consideration of the Bill. Accordingly he regarded it as inadvisable that the amendments to clause 2 be moved. ———called it a "point of order" and wanted a ruling on the point "whether an amendment can be moved which is the negation of the principle that has been accepted' . . . . . Mr. President accepted the force of the objection but since that was not the question discussed at the time, he said: " . . . in fairness I shall allow the amendment to be moved." 195—97.

Shri Dharendra Nath Dutta, however, took advantage of the indulgence of the Chair and while moving the amendment to clause 2 of the Bill started discussing the question of Joint Electorates—a subject discussed earlier. The Hon'ble Pirzada immediately drew the attention of the Chair who ruled: " . . . . . I rule that he should not enter into the details already discussed." 200-203.

**MAJUMDAR, MR. JNANENDRA CHANDRA—**

Government of India Third Amendment) Bill—

Motion for consideration—

Motion by Mr. Prem Hari Barma for circulation. 117—20.

**MALIK, THE HON'BLE DR. A.M.—**  
Government of India (Third Amendment) Bill—

Motion for consideration—

Motion by Mr. Prem Hari Barma to circulate. 161, 177.

**MANDAL, MR. BIRAT CHANDRA—**

Government of India (Third Amendment) Bill—

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**MOHAMAD ALI, THE HON'BLE MR. —**

Government of India (Amendment) Bill—

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**N****NANDY, MR. BHABESH CHANDRA—**

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Motion *re* : Bengali being one of the State languages. 30—33.

**Proposed.—**

**Elected.—**

Election to the Finance Committee. 19.

**NAZIMUDDIN, THE HON'BLE KHWAJA—**

Condolence on the death of Mr. A. M. A. Hamid, M.C.A. 17.

Government of India (Third Amendment) Bill—

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**NISHTAR, THE HON'BLE SARDAR ABDUR RAB KHAN—**

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**NUR AHMED, MR.—**

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Clause 2—Amendment by Sardar Asadullah Jan Khan. 57.

Motion *re* : Bengali being one of the State languages. 22.

**NURUL AMIN, THE HON'BLE MR.—**

Government of India (Third Amendment) Bill—

Motion for consideration.

Motion by Mr. Prem Hari Barma for circulation. 95—106, 138, 143, 159, 158, 161, 162, 164, 165, 166.

Motion to adopt Bill as amended. 219.

Motion *re* : Bengali being one of the State languages. 22, 39, 40, 43—46.

Procedure for dealing with Motions. 20.

— — — while opposing the motion for circulation of the Government India (Third Amendment) Bill, said : “.....If ‘lie’ is an unparliamentary language, I would call it ‘unfounded.’ ‘far from the truth’. I am tempted to say that it is a ‘lie’.....” Thereupon Prof. Raj Kumar Chakraverty rose on a point of order and enquired whether the Honourable Member was entitled to say that it was a ‘lie’. — repeated that he was tempted to call it a ‘lie’. Mr. President, however ruled:) “—— has not really uttered that word but virtually it come to the same. I think that expression should not be included in the Proceedings.” 133—135.

During his speech on Mr. Prem Hari Barma's motion for circulation of the Government of India (Third Amendment) Bill, Shri Sris Chandra Chattopadhyaya said, “.....Therefore I want elections in East Bengal as early as possible and I expected that——would help in the passing of some Act helping election speedily there. We had expected that such Bill would come in November last. I think, Mr. President, you also knew about this in the Steering Committee. It did not come because——was not here. Even at the beginning of this Session we expected a bill but as——was not here, the Bill could not be .....” ——rose on a point of order and enquired whether the Leader of the Opposition is entitled to refer to certain conversations which took place in a meeting of the Committee. He, therefore, demanded “the source of the information”. Mr. President ruled that Mr. Chattopadhyaya is not bound to disclose the source of his information even though it may be absolutely wrong. ——can, however, contradict it by way of personal explanation. 157—158.

## Q

**QURESHI, THE HON'BLE DR. ISHTIAQ HUSAIN—**

Government of India (Fourth Amendment) Bill—

Consideration of Bill. 7.

Government of India (Third Amendment) Bill—

Consideration clause by clause—  
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Motion *re* : Bengali being one of the State languages. 39.

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**QURESHI, THE HON'BLE DR. ISHTIAQ HUSAIN**—*Contd.*

During the stage of consideration of clause 2 of the Government of India (Fourth Amendment) Bill, Sardar Asadullah Jan Khan moved an amendment. Shri Kamini Kumar Dutta, speaking on the portion of the clause referred to larger aspects of the clause. ———raised a point of order whether speeches on the particular portion of the clause can include merits of other parts of the clause. Mr. President ruled that a member can cover the whole field in one speech. 55—56

**S**

**SADIQ HASAN, SHAIKH**—

Government of India (Third Amendment) Bill—

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**SHAHABUDDIN, HIS EXCELLENCY KHWAJA**—

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Condolences on the death of Mr. A. M. A. Hamid, M.C.A. 17-18.

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Motion by Mr. Prem Hari Barma for circulation. 140, 144.

Motion *re* : Bengali being one of the State languages. 22, 25—27, 35, 40.

Procedure for dealing with Motions. 20, 22.

———also delivered a speech on Mr. Prem Hari Barma's motion to circulate the Government of India (Third Amendment) Bill. He accused Caste Hindus and Muslims as "completely dishonest in their professions of love" to the Depressed Classes. The Hon'ble Pirzada Abdus Sattar Abdur Rahman called the word "dishonest" unparliamentary whereupon the Hon'ble President asked——— to withdraw it. ——— bowed to the ruling of the Chair. 141.

Later on———again used the word "dishonest" to which the Hon'ble Pirzada Abdus Sattar Abdur Rahman and Mr. M. H. Gazder objected. Mr. President repeated that the word is unparliamentary. 143—44.

**SUKHDEVA, SETH**—

Government of India (Third Amendment) Bill—

Motion for consideration—

Motion by Mr. Prem Hari Barma for circulation. 127.

Motion *re* : Bengali being one of the State languages. 38—39.

**T**

**TAMIZUDDIN KHAN, THE HON'BLE MR. [MR. PRESIDENT]**—

During his speech on Mr. Prem Hari Barma's motion for circulation of the Government of India (Third Amendment) Bill Shri Sris Chandra Chattopdhyaya said, "..... Therefore I want elections in East Bengal as early as possible and I expected that Mr. Nurul

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Amin would help in the passing of some Act helping election speedily there. We had expected that such Bill would come in November last. I think,——, you also knew about this in the Steering Committee. It did not come because Mr. Nurul Amin was not here. Even at the beginning of this Session we expected a Bill but as Mr. Nurul Amin was not here, the Bill could not be.....” The Hon’ble Mr. Nurul Amin rose on a point of order and enquired whether the Leader of the Opposition is entitled to refer to certain conversations which took place in a meeting of the Committee. He, therefore, demanded “the source of the information”. ——ruled that Mr. Chattopadhyaya is not bound to disclose the source of his information even though it may be absolutely wrong. The Hon’ble Member can, however, contradict it by way of personal explanation. 157—58

During the stage of consideration of clause 2 of the Government of India (Fourth Amendment) Bill, Sardar Asadullah Jan Khan moved an amendment. Shri Kamini Kumar Dutta, speaking on the portion of the clause, referred to larger aspects of the clause. The Hon’ble Dr. Ishtiaq Husain Qureshi, raised a point of order asking for ruling on the point whether speeches on the particular portion of the clause can include merits of other parts of the clause. ——ruled that a member can cover the whole field in one speech. 55—6.

Sardar Shaukat Hyat Khan also delivered a speech on Mr. Prem Hari Barma’s motion to circulate the Government of India

(Third Amendment) Bill. He accused Caste Hindus and Muslims as “completely dishonest in their professions of love” to the Depressed Classes. The Hon’ble Pirzada Abdus Sattar Abdur Rahman called the word “dishonest” unparliamentary whereupon ——asked Sardar Shaukat Hyat Khan to withdraw it. The Sardar bowed to the ruling of the Chair. 141.

Later on Sardar Shaukat Hyat Khan again used the word “dishonest” to which the Hon’ble Pirzada Abdus Sattar Abdur Rahman and Mr.M.H. Gazder objected. ——repeated that the word is unparliamentary. 143—44.

Shri Kamini Kumar Dutta and Shri Dharendra Nath Dutta had given notice of moving almost similar amendments to clause 2 of the Government of India (Third Amendment) Bill. These amendments were worded differently but sought to be based on the same principle—Joint Electorates. The Hon’ble Pirzada Abdus Sattar Abdur Rahman submitted that this principle has just now been rejected by the House during the stage of the consideration of the Bill. Accordingly he regarded it as inadvisable that the amendments to clause 2 be moved. The Hon’ble Dr. Mahmud Husain called it a “point of order” and wanted a ruling on the point “whether an amendment can be moved which is the negation of the principle that has been accepted.....” ——accepted the force of the objection but since that was not the question discussed at the time, ——said; “...in fairness I shall allow the amendment to be moved.” 195—97.

Shri Dharendra Nath Dutta, however, took advantage of the indulgence of the Chair and

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**TAMIZUDDIN KHAN, THE  
HON'BLE MR. [MR. PRESI-  
DENT]**—*Contd.*—

while moving the amendment to clause 2 of the Bill started discussing the question of Joint Electorates—a subject discussed earlier. The Hon'ble Pirzada immediately drew the attention of ——— who ruled, “ . . . . I rule that he should not enter into the details already discussed.” 200—203.

The Honourable Mr. Nurul Amin while opposing the motion for circulation of the Government of India (Third Amendment) Bill, said: “ . . . . If ‘lie’ is an unparliamentary language, I would call it ‘unfounded’, ‘far from the truth’. I am tempted to say that it is a ‘lie’ . . . .” Thereupon Prof. Raj Kumar Kumar Chakraverty rose on a point of order and enquired whether the Honourable Member was entitled to say that it was ‘lie’. The Honourable Mr. Nurul Amin repeated that he was tempted to call it a ‘lie’. ———however ruled: “Honourable Mr. Nurul Amin has not really uttered that word but virtually it comes to the same. I think that expression should not be included in the proceedings.” 133—35.

The Hon'ble Sir Muhammad Zafrullah Khan was opposing the motion by Mr. Prem Hari Barma for circulating of the Government of India (Third Amendment) Bill. During the speech he quoted from the old Hindu scriptures. Shri Kamini Kumar Dutta raised a point of order calling the speech of Sir Muhammad Zafrullah Khan as irrelevant as these illustrations were intend-

ed to “put Hindus of 1952 in ridicule” or “the whole society into ridicule”, Shri Dharendra Nath Dutta supported Mr. Kamini Kumar Dutta. ———, therefore, asked the Hon'ble Sir Muhammad Zafrullah Khan to explain the relevance of his speech. On hearing him———said, “I do not think what Chaudhri Sahib was talking about was irrelevant . . . .” He, however, requested him not to go further into details as he had already “narrated a large number of instances”. 133—35.

**Z**

**ZAFRULLAH KHAN, THE  
HON'BLE SIR MUHAMMAD—**

Government of India (Third Amendment Bill)—

Motion for consideration—

Motion by Mr. Prem Hari Barma for circulation. 128—36.

———was opposing the motion by Mr. Prem Hari Barma for circulating the Government of India (Third Amendment) Bill. During the speech———quoted from the old Hindu scriptures. Shri Kamini Kumar Dutta raised a point of order calling the speech of ———as irrelevant, as these illustrations were intended to “put Hindus of 1952 in ridicule” or “the whole society into ridicule”. Shri Dharendra Nath Dutta supported Mr. Kamini Kumar Dutta. Mr. President, therefore, asked———to explain the relevance of his speech. On hearing———Mr. President said, “I do not think what———was talking about was irrelevant . . . .” He, however, requested———not to go further into details as he had already “narrated a large number of instances.” 133—35.

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